

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

2020 JAN 22 PM 2:41

In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)

Priority Mail Package Tracking Number 9505514793760021266196,  
postmarked January 21, 2019 addressed Donna Cook 1054 W. Evanston Rd  
Tipp city, OH 45371 with a return address of Viterio Jones 4321 N. Main St  
Dayton OH 45406.

Case No.

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
3:20-mj-00044

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Priority Mail Package Tracking Number 9505514793760021266196

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

Controlled Substances, materials and documents reflecting the distribution of controlled substances through the U.S. Mails, including money and/or monetary instruments paid for controlled substances

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☐ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of: Title 21

Code Section

841 (a) (1), 843 (b) & 846

Offense Description

Possession with intent to distribute a controlled substance  
Use of communication facility to commit felony  
Conspiracy to distribute a controlled substance

The application is based on these facts:

See attached affidavit of U.S. Postal Inspector Rossiter

- ☒ Continued on the attached sheet.  
☐ Delayed notice \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date: 1-22-20

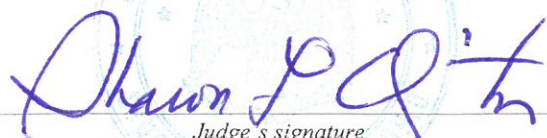
City and state: Dayton, Ohio



Applicant's signature

Joseph L. Rossiter, U. S. Postal Inspector

Printed name and title



Judge's signature

Honorable Sharon L. Ovington  
United States Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
DAYTON, OHIO

STATE OF OHIO                     )  
  ) SS  
COUNTY OF MONTGOMERY )

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, JOSEPH ROSSITER, HAVING BEEN DULY SWORN, DEPOSE AND STATE: I am a United States Postal Inspector and have been since May 2016. I am presently assigned to the Cincinnati Field Office of the United States Postal Inspection Service, Pittsburgh Division, with investigative responsibility for southeast Indiana and southern Ohio. Part of my responsibility involves investigating the use of the United States Mail in the transportation of narcotics, other dangerous controlled substances, and financial proceeds from, or instrumentalities used in, the sale of such narcotics and controlled substances (hereinafter, "Drugs and/or Proceeds").

Based on my training and experience as a United States Postal Inspector, I have become aware that drug traffickers frequently use United States Priority Mail Express (overnight) or Priority Mail (2-3-day) to transport Drugs and/or Proceeds. Additionally, as a result of prior investigations, law enforcement training and successful controlled-substance prosecutions involving the use of the United States Mail, I have learned of certain common characteristics and/or circumstances that indicate that a package may contain Drugs and/or Proceeds. These circumstances and/or characteristics include, but are not necessarily limited to, the following: the mailer uses different post offices on the same day to send packages, the return address is false or non-existent, the addressee is not known to receive mail at the listed delivery address, the package is heavily taped, the package is mailed from a known drug source location, the labeling information contains misspellings, the label contains an illegible waiver signature, unusual odors emanate from the package, and the listed address is located in an area of known or suspected drug activity.

On January 21, 2020, I intercepted a package (hereinafter, the "Package") at the Forest Park Post Office in Dayton, OH. The Package was brought to our attention due to the fact that the sender, has bought several money orders on different occasions from this Post Office, and then sent out packages on the same date to various locations. The Package is a Priority Mail flat envelope, bearing tracking number 9505514793760021266196, postmarked January 21, 2020, with the following address information:

**Sender:** Viterio Jones  
4321 N. Main St  
Dayton OH 45406

**Addressee:** Donna Cook  
1054 W. Evanston Rd  
Tipp city, OH 45371

I performed a check in CLEAR database for the addressee's information on the Package of "Donna Cook 1054 W. Evanston Rd Tipp city, OH 45371." CLEAR is a law enforcement database that is used as a tool for investigators to identify person/business and address information. According to CLEAR, there is a "Donna Cook" associated with 1054 W. Evanston Rd, Tipp City, OH 45371.

I also performed a check in CLEAR for the sender's information listed on the Package of "Viterio Jones 4321 N. Main St Dayton OH 45406." According to CLEAR, there <sup>278 5-0</sup> ~~is~~ was "Viterio Jones" associated with 43121 N Main St, Dayton, OH 45406 in 2018 however, that individual is currently associated with a different address. According to the CLEAR database, the individual "Viterio Jones" who was associated with 4321 N Main St, Dayton, OH 45406 in 2018, has a criminal history including a drug possession conviction.

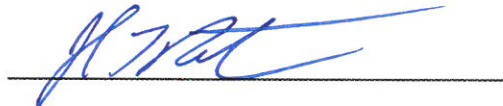
On January 21, 2019, at my request, Montgomery County Sherriff's Office Deputy Gerald Bemis conducted a narcotics-detection canine "free air" check of the outside of the Package. I was present during said check. The Package was placed in a controlled area and presented to narcotics-detection canine, "Jax." As set forth in the attached affidavit of Deputy Bemis, "Jax" alerted positively for the presence or odor of a narcotic or other controlled substance. "Jax" is a properly trained and certified narcotics-detection canine.



Based on my prior law enforcement training and experience as a United States Postal Inspector, the Package's address information, including (i) absence of a current known association between the sender and the return address, (ii) the sender's criminal history involving drug possession, (iii) the frequency of money order purchased and mailing packages on the same dates, and (iii) the positive alert of the narcotics-detection canine are all indicative of and consistent with Drugs and/or Proceeds in the Package.

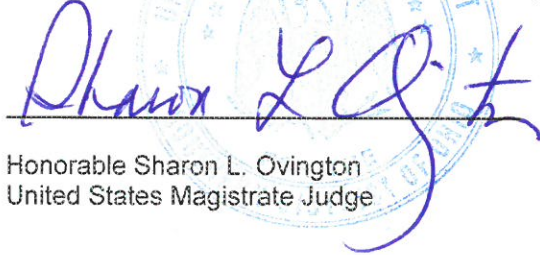
Therefore, a search warrant to open the Package is requested.

Further, your affiant sayeth naught.



Joseph L. Rossiter  
Postal Inspector

Subscribed and sworn to and before me this 22<sup>nd</sup> day of Jan, 2020.



Honorable Sharon L. Ovington  
United States Magistrate Judge



UNITED STATES POSTAL INSPECTION SERVICE

PITTSBURGH DIVISION

## OFFICER AFFIDAVIT

I, Officer/Deputy G. Bemis, am and have been employed by the Montgomery County Sheriff's Office since 1998. Among other duties, I am currently the assigned handler of narcotics detection canine "Jax" which is trained and certified in the detection of the presence or odor of narcotics described as follows:

Marijuana, Cocaine, Methamphetamine, and Heroin

On 1/21/2020 at the request of Postal Inspector Rossiter, I responded to the Dayton PDAC, where "Jax" did alert to and indicate upon: [describe item]

9505 5147 9376 0021266196

From: Viterio Jones To: Donna Cook  
4321 N. Main St 1054 W. Evans Rd  
Dayton OH 45406 Tipp City, OH 45371

Which, based upon my training and experience and that of "Jax", indicates there is contained within or upon the above described item, the presence or odor of a narcotic or other controlled substance.

Deputy G. Bemis 1-21-2020  
 (Signature, Badge #, and Date)

[Signature] 1/21/2020  
 (Witness/Date)